THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 24370 of 2005

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Dated: 09.12.2005

Between:

Matsyarasa Kamalavathi W/o.late krishnamurthy Raju
G.Madugula village & Mandal Visakhapatnam District

and others.

.... PETITIONERS

AND

The District Collector-cum-Agency District Judge,
Visakhapatnam District and others.

.....RESPONDENTS

ORDER:

The petitioners and the third respondent are residents of the scheduled area. The third respondent filed AOS No. 20 of 1995 before the second respondent against the petitioners for the relief of recovery of possession of the plaint schedule property. The suit was decreed on 19.10.2005. Aggrieved thereby, the petitioner preferred an appeal before the first respondent together with an application for stay. This writ petition is filed, alleging that the first respondent has not passed any order in the application for stay. Petitioners apprehend that the decree in the suit would be executed in the meanwhile.

Heard the learned counsel for the petitioners and the learned Government Pleader for Social Welfare and Sri Subbaiah Sastry, learned counsel for the third respondent.

On 15.11.2005, this Court granted an interim order to be in force for a period of one week or till the first respondent passes an order in the application filed by the petitioners. The matter has undergone two adjournments thereafter. Today, it is represented that the first respondent had dismissed the application for stay. In that view of the matter, the petitioners had to workout their remedies against that order.

Learned counsel for the petitioners submits that it would take quite some time for his clients to obtain the certified copy and unless appropriate orders are passed, the petitioners are likely to be dispossessed.

For the foregoing reasons, the writ petition id disposed of directing that status quo obtaining as on today shall be maintained for a period of ten days from today. It shall be open to the petitioners to workout their remedies against the order passed by the first respondent, dismissing the application for stay. There shall be no order as to costs.

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09.12.2005

Note: Communicate the operative portion

by wire at party's cost.

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